

FACE SHEET

(See Instructions on Reverse)

RDB #1089-40

1989 OCT 20 AM 10:10

OFFICE OF
ADMINISTRATIVE LAW

NOV 15 1989

Office of Administrative Law

NONSUBSTANTIVE

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION: I hereby certify that the attached
are true and correct copies of regulations
adopted, amended or repealed by this agency
and that the information specified on this Face
Sheet is true and correct.

FILED
In this office of the Secretary of State
of the State of California

NOV 15 1989
At 3:19 o'clock P. M.
MARCH FONG EU, Secretary of State
By Luella Cruz
Deputy Secretary of State

Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 10-19-89

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE
Rosalie Clark, Chief Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☒ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED:
SECTIONS AMENDED: 11-712.44
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
Not Applicable
b. DATE OF FINAL AGENCY ACTION
OCT 19 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
Not Applicable
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

.4 Interstate cases (Continued)

- .44 If an intercept has occurred, the submitting California district attorney shall promptly refund any excess money intercepted to the absent parent (see Section 11-7103 ~~Refunds of~~ Instructions for Returning Excess Intercepts).

.5 (Continued)

Authority Cited: Sections 10553 and 11475, Welfare and Institutions Code.

Reference: Section 11475, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

NOV 15 1989

At 3:19 o'clock P.M.

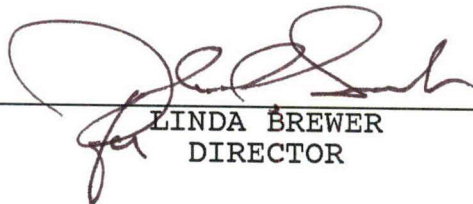
MARCH FONG EU, Secretary of State

By Louella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1020-01


LINDA BREWER
DIRECTOR

11/15/89

FACE SHEET

(See Instructions on Reverse)

RDB #0689-17

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

FILED
In this office of the Secretary of State
of the State of California

NOV 28 1989
At 4:36 o'clock P. M.
MARCH FONG EU, Secretary of State
By Janette C. [Signature]
Deputy Secretary of State

1989 NOV -2 PM 2:40
OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
NOV 28 1989

State Department of Social Services

(AGENCY)

L. S. Mahal

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 11-1-89

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau 445-0313

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED:

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER <u>August 4, 1989</u>	b. DATE OF FINAL AGENCY ACTION <u>November 1, 1989</u>	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) <u>N/A</u>
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9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
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 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
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- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
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- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

.5 Homeless Assistance

.51 General

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing and is also available to meet the costs of temporary shelter while the AU is seeking permanent housing.

** HANDBOOK BEGINS HERE **

See MPP 44-211.52 for specifics regarding the payment for temporary shelter assistance; see MPP 44-211.53 for specifics regarding the payment for permanent housing assistance.

** HANDBOOK ENDS HERE **

.511 An AU is considered homeless when:

- (a) It lacks a fixed and regular nighttime residence; or
- (b) It has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
- (c) It is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

.512 (Continued)

.513 (Continued)

.514 (Continued)

.515 (Continued)

.516 (Continued)

.517 (Continued)

•518 (Continued)

Authority Cited: Sections 10554 and 11450(g), Welfare and
Institutions Code.

Reference: Section 11450(f), Welfare and Institutions
Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

NOV 28 1989

At 4:36 o'clock P.M.


MARCH FONG EU, Secretary of State

By Joella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1102-02


LINDA BREWER
DIRECTOR

11/28/89

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

[Signature]
CERT
(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 10-27-89

89-1030-02C

FILED

In this office of the Secretary of State
of the State of California

NOV 29 1989

At 4:11 o'clock P. M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

ENDORSED
APPROVED FOR FILING

NOV 29 1989

Office of Administrative Law

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)
Rosalie Clark, Chief, Regulations Development Bureau
TITLE
TELEPHONE (916) 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
(Complete Part 4 below)
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED:
SECTIONS AMENDED:
See attached.
SECTIONS REPEALED:
42-641 and 42-785
b. The following sections listed in 3a contain modifications to the text originally made available to the public: See attached.
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
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☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
July 14, 1989
b. DATE OF FINAL AGENCY ACTION
OCT 27 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
October 3 through 18, 1989
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
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b. ☒ Effective upon filing with the Secretary of State.
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- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

3.a.

Sections Amended: 42-630, 42-631, 42-632, 42-633, 42-634, 42-635, 42-636, 42-637, 42-638, 42-639, 42-640, 42-710, 42-720, 42-730, 42-760, 42-761, 42-771, 42-772, 42-774, 42-781, 42-782, 42-784, 42-786, and 44-309

3.b.

Sections containing modifications to the text originally made available to the public:

42-788.6 and .9, 42-793.1 and .41, 42-794.1, 42-796.21(b), 42-797.1 and .3, 42-710.3, 42-720.6 and .671, 42-730.273, 42-730.323(b), 42-761.4(m), 42-772.61 and .7, 42-781.6, 42-784.422 and .52, and 42-786.2 and .3.

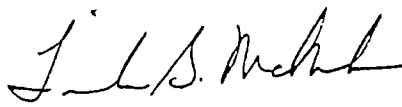
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

Renumber MPP Section 42-630 to Section 42-788 and amend to read:

42-630788 EXEMPTIONS SUMMARIZED

42-630788

An individual is exempt from registration when he/she is:

- .1 A child under age 16 (Code 01).
- .2 A child 16, 17, or 18 years of age who is a full-time student in an elementary school, high school, vocational, or technical school (Code 02).
- .3 Ill or injured, when determined that the illness or injury is serious enough to temporarily prevent entry into employment or training (Code 03).
- .4 Age 65 or older (Code 04).
- .5 Incapacitated, when determined that: the individual has a physical or mental impairment, by itself or in conjunction with age, prevents the individual from engaging in employment or training (Code 05).
- .6 Residing in a location which is so remote from a GAIN program component available program service that effective participation in the program is precluded (Code 06).
- .7 A caretaker whose presence in the home is required on a substantially continuous basis because of the physical or mental impairment of another member of the household (Code 07).
- .8 The parent or other relative of a child under three years who is personally providing care for the child (Code 08).
- .9 Pregnant and the expected birth date is the month of required participation or is within the six-month period following the month of required participation. In at least the fourth month of pregnancy (Code 09).
- .10 Working, or is expected to be working 30 hours or more per week in unsubsidized employment which is expected to last at least 30 days (Code 10).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference:

Sections 10554, 11310(b) [AB 2171, Chapter 77, Section 1, Statutes of 1989], and 11320.1, Welfare and Institutions Code; Sections 11349(c) and (d), Government Code; 42 USC Sections 602(a)(19)(A) and (C) and 682(a); and Section 202(a), Public Law (PL) 100-485.

Renumber MPP Section 42-631 to Section 42-789 and amend .1 to read:

42-631-789 EXEMPTION BASED ON AGE UNDER 16
(CODE 01)

42-631-789

.1 The Exemption

All children under age 16 are exempted from GAIN registration.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554, 11310(b)(1) [AB 2171, Chapter 77, Section 1, Statutes of 1989], and 11320.1, Welfare and Institutions Code; 42 USC Sections 602(a)(19)(C)(v) and 682(a); Section 11349(c), Government Code; and Section 202(a), Public Law (PL) 100-485.

Renumber MPP Section 42-632 to Section 42-790:

42-~~632~~790 EXEMPTION BASED ON SCHOOL ATTENDANCE
(CODE 02) (Continued)

42-632790

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Section 10554, Welfare and Institutions Code
and Sections 11349(c) and (d), Government Code.

Renumber MPP Section 42-633 to Section 42-791 and amend .1, .21, and .22 to read:

42-633791 EXEMPTION BASED ON ILLNESS OR INJURY
(CODE 03)

42-633791

.1 The Exemption

An individual who has an illness or injury is exempt from GAIN registration when the CWD determines that the illness or injury is serious enough to temporarily prevent the individual's entry into employment or training. (Continued)

.2 Documentation

This exemption is documented by any of the following:

.21 Any of the evidence listed under Section 42-793.2 for incapacity (Code 05) will support an exemption based on illness (Code 03).

.22 Any of the evidence listed under Section 42-793.21 for incapacity (Code 05) which is complete except that it fails to indicate a duration of the condition or where the duration of the condition is unknown will support an exemption based on illness (Code 03).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554, 11310(b)(3) [AB 2171, Chapter 77, Section 1, Statutes of 1989], and 11320.1, Welfare and Institutions Code; Section 11349(c), Government Code; 42 USC Sections 602(a)(19)(C)(i) and 682(a); and Section 202(a), Public Law (PL) 100-485.

Renumber MPP Section 42-634 to Section 42-792 and amend .1 to read:

42-~~634~~792 EXEMPTION BASED ON AGE 65 OR OLDER
(CODE 04)

42-634792

.1 The Exemption

All individuals age 65 or older are exempted from GAIN registration.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554, 11310(b)(3) [AB 2171, Chapter 77, Section 1, Statutes of 1989], and 11320.1, Welfare and Institutions Code; Section 11349(c), Government Code; '42 USC Sections 602(a)(19)(C)(i) and 682(a); and Section 202(a), Public Law (PL) 100-485.

Renumber MPP Section 42-635 to Section 42-793 and amend .1, .2, and .41 to read:

42-635793 EXEMPTION BASED ON INCAPACITY
(CODE 05)

42-635793

.1 The Exemption

An individual is exempt from GAIN registration based on incapacity when it is verified that: (a) the individual has a physical or mental impairment which by itself or in conjunction with age prevents the individual from engaging in employment or training; or (b) the individual is under age 20, does not possess a high school diploma or equivalent, and is in postpartum recovery.

- .11 The time limit for incapacity due to postpartum recovery shall be consistent with the current practices under Division 1 of Part 2 of the Unemployment Insurance Code, unless the individual has medically verified postpartum complications.

- .111 The current time frame for postpartum recovery is six weeks.

.2 Documentation

The exemption based on incapacity is supported by any of the following:

.21 (Continued)

- (c) If the incapacity is due to postpartum recovery, the delivery date of birth, the identification of any postpartum complications and the anticipated recovery date.

- (d) (Continued)

.3 (Continued)

.4 Referral to Department of Rehabilitation

- .41 The county is required to refer individuals exempt under Code 05 to the Department of Rehabilitation, except for individuals exempt due to postpartum recovery or postpartum complications as specified in Section 42-7973.11.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554, 11310(b)(3) and (d) [A² 2171, Chapter 77, Section 1, Statutes of 1980], and 11320.1, Welfare and Institutions Code; Section 11349(c), Government Code; 42 USC Sections 602(a)(19)(C)(i) and (E) and 682(a); and Section 202(a), Public Law (PL) 100-485.

Renumber MPP Section 42-636 to Section 42-794 and amend .1 to read:

42-636794 EXEMPTION BASED ON REMOTENESS
(CODE 06) (Continued)

42-636794

.1 The Exemption

An individual is exempt when he/she is residing in a location which is so remote from a GAIN program services component that his/her effective participation in GAIN is precluded.
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554, 11310(b)(4) [AB 2171, Chapter 77, Section 1, Statutes of 1989], and 11320.1, Welfare and Institutions Code; Section 11349(c), Government Code; 42 USC Sections 602(a)(19)(C)(vii) and 682(a); and Section 202(a), Public Law (PL) 100-485.

Renumber MPP Section 42-637 to Section 42-795:

42-~~637~~795 EXEMPTION BASED ON CARE 42-637795
OF ANOTHER INDIVIDUAL IN HOUSEHOLD (CODE 07) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Section 10554, Welfare and Institutions Code;
and Section 11349(c), Government Code.

Renumber MPP Section 42-638 to Section 42-796 and amend to read:

42-638796 EXEMPTION BASED ON 42-638796
THE CARE OF A CHILD UNDER THREE (CODE 08)

.1 The Exemption

The parent or other relative of a child under age three who is personally providing care for the child is exempt from GAIN registration except as provided in Section 42-772.7.

.11 The exemption in Section 42-796.1 shall apply to only one parent in an AFDC-U case.

.2 Documentation

.21 Documentation for the exemption of a parent or other relative of a child under age three is:

(a) Any document which substantiates the age of the child; and

(b) Any document which substantiates that the parent or other relative is personally providing ~~full-time~~ care for the child. The parent's or other relative's sworn statement under penalty of perjury shall be considered sufficient for this purpose.

.3 Review

Review this exemption:

.31 At the annual reinvestigation, and

.32 Thirty days before the youngest child's third birthday.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554, 11310(b)(6)(A) and (C) [AB 2171, Chapter 77, Section 1, Statutes of 1989], and 11320.1; Welfare and Institutions Code; Section 11349(c), Government Code; 42 USC Sections 602(a)(19)(C)(iii) and (D) and 682(a); and Section 202(a), Public Law (PL) 100-485.

Renumber MPP Section 42-639 to Section 42-797 and amend to read:

42-639797 EXEMPTION BASED ON PREGNANCY
(CODE 09)

42-639797

.1 The Exemption

An individual who is pregnant is exempt if the child's expected birth date is the month of required participation or is within the six-month period following the month of required participation. she is in at least the fourth month of pregnancy.

.2 Documentation

The exemption based on pregnancy is supported by the following:

.21 Written or verbal verification from a physician or a licensed nurse practitioner of the anticipated birth date.

.211 If obtained verbally, documentation must include the date verification was obtained, the name of the person who supplied the verification, and the name of the county person who obtained the verification.

.3 Review

A review of this exemption is required at the time of the anticipated delivery date for an individual under age 20 and who does not possess a high school diploma or equivalent.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554, 11310(b)(7) [AB 2171, Chapter 77, Section 1, Statutes of 1989], and 11320.1, Welfare and Institutions Code; Section 11349(c), Government Code; 42 USC Sections 602(a)(19)(C)(vi) and 682(a); and Section 202(a), Public Law (PL) 100-485.

Renumber MPP Section 42-640 to Section 42-798:

42-640798 EXEMPTION BASED ON WORKING
30 HOURS PER WEEK (CODE 10) (Continued)

42-640798

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Section 10554, Welfare and Institutions Code;
and Section 11349(c), Government Code.

Repeal MPP 42-641:

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11310(b), Welfare and Institutions Code; 42 USC Section 602(a)(19)(C); and Section 202(a), Public Law (PL) 100-485.

Amend Section 42-710 to read:

42-710 INTRODUCTION TO GAIN (Continued)

42-710

.3 Definitions for Terms Used in this Chapter

- (a) "Child Care Resources and Referral Agency" means an agency which contracts with the State Department of Education to provide information to parents about available child care and to coordinate community resources for the benefit of parents and local child care providers.
- (b) "Cost Effective" means provision of the most appropriate service at the most responsible cost, not necessarily the least costly.
- (c) "Custodial Parent" means the parent(s) who lives with the child.
- ~~f~~e(d) "CWD" means the county welfare department.
- ~~f~~d(e) "Deferred Registrant" means a registrant who is not required to participate in accordance with GAIN deferral criteria.
- ~~f~~e(f) "Exempt" means that an AFDC applicant or recipient is not required to be registered for GAIN as a condition of eligibility.
- ~~f~~f(g) "Fixed-Unit Price" means a set fee or price for a single component or group of services that achieve a specific goal.
- ~~f~~g(h) "GAIN" means Greater Avenues for Independence.
- ~~f~~h(i) "GAIN Allocation Plan" means the SDSS plan which includes policies and parameters for allocating funds to the CWDs to administer the GAIN program.
- ~~f~~i(j) "Intermediary Service Provider" means a public or private agency with a CWD contract that subcontracts with employers to provide training or employment to participants.
- ~~f~~j(k) "Participant" means a mandatory or voluntary registrant who is required to participate in GAIN.

- (k)(1) "Performance-based Contract" means training or education under a contract in which payment is made to the contractor only after the achievement of a specified goal.
- (l)(m) "Private Industry Council (PIC)" means an entity established for a service delivery area which provides policy guidance and oversees activities provided under the Job Training Partnership Act (JTPA) plan. The majority of PIC members represent the private sector.
- (n) "Refugee Cash Assistance (RCA) GAIN Participant" means a refugee applicant or recipient who meets the requirements of MPP Sections 69-206.12 and who is participating in GAIN as directed by the county plan.
- (o) "Refugee Resettlement Program (RRP) Services" means employment-directed services which are designed to remove the barriers to immediate employment. Services may include employment services, vocational training, vocational English as a second language, on-the-job training, English as a second language, and support services.
- (p) "Registrant" means an AFDC applicant or recipient who is registered for GAIN.
- (q) "Registration" means that individuals who are nonexempt or who volunteer are automatically registered for GAIN.
- (r) "SDSS" means the State Department of Social Services.
- (s) "Service Delivery Area (SDA)" means a geographical area comprised of one or more units of general local government designated by the Governor according to JTPA to promote effective delivery of job training services under JTPA.
- (t) "Subsidized Employment" means an assignment in which the participant's employer is partially reimbursed for wages and/or supervision and/or training costs.
- (u) "Targeted Assistance (TA) Funded Services" means employment directed services to refugees which reduce dependency, promote self-sufficiency, enhance employment potential, as well as increase refugees' ability to find and retain jobs. Services may include, but are not limited to employment services, job development,

on-the-job training, economic development, professional skills upgrading, licensing and certification, intake and assessment, vocational training, work experience, and supportive services.

(u)(v) "Unsubsidized Employment" means all employment other than subsidized employment.

(v)(w) "Volunteer" means an AFDC applicant or recipient who, though exempt from registration, voluntarily participates in GAIN.

Authority Cited: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10554; Government Code Section 11349(c); and 45 CFR 250.32(a).

Amend MPP Section 42-720.67 to read:

42-720 THE GAIN COUNTY PLAN (Continued)

42-720

•4.6 CWD Reduction Plan (Continued)

•67 (Continued)

•671 Notwithstanding the provisions of 42-720.67(b), individuals in the following groups, who are or would be mandatory registrants, shall be given first consideration for services:

- (a) Recipients who have received aid for 36 of 60 preceding months;
- (b) Applicants who have received aid for 36 of 60 months preceding the last date of application;
- (c) Parents under 24 years of age: without a high school diploma; not enrolled in high school (or equivalency course) or having little or no work history in the preceding year or
 - (1) without a high school diploma and, at the time of application for aid to families with dependent children, are not enrolled in high school (or high school equivalency program); or
 - (2) having little or no work experience in the preceding year;
- (d) AFDC assistance units in which the youngest child is within two years of ineligibility for aid.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.21 [AB 2171, Chapter 77, Section 2.5, Statutes of 1989], Welfare and Institutions Code; and 42 USC Sections 602(a)(19)(B)(ii) and 603(1)(2)(B).

Amend MPP Section 42-730.2 to read:

42-730 GAIN JOB, TRAINING, AND EDUCATION SERVICES 42-730
(Continued)

.2 Job Services shall include: (Continued)

.27 Time Limitation on Job Search

.271 Participation in job search activities shall not exceed eight weeks in any 12-consecutive-month period except that an additional eight weeks of job search activities shall be allowed if it is required in conjunction with other educational, training or employment activities.

.272 The first such 12-consecutive-month period shall begin when the individual first participates in a job search activity after entering GAIN.

.273 The second and subsequent 12-consecutive-month periods shall begin immediately following the close of the previous 12-consecutive-month period.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.3(c)(6) [AB 2171, Chapter 77, Section 3.5, Statutes of 1989], Welfare and Institutions Code; and 42 USC Section 682(g).

Amend MPP Section 42-730.32 to read:

42-730 GAIN JOB, TRAINING, AND EDUCATION SERVICES
(Continued)

42-730

.3 Training services shall include: (Continued)

.32 Preemployment Preparation (PREP) (Continued)

- .323 The number of hours a person participates in a PREP assignment shall be determined by the appropriate formula provided in Sections 42-730.323(a) or (b):

- (a) Divide his/her current month's AFDC grant, less any child support paid to the county on behalf of the participant in the second prior month, by the average hourly wage for all job openings placed with the Employment Development Department (EDD), as determined annually by EDD.

- (1) The formula described in Section 42-730.323(a) shall only be used for determining PREP hours during the first through the ninth month of a PREP assignment.

- (b) Divide his/her current month's AFDC grant, less any child support paid to the county on behalf of the participant in the second prior month, by the rate of pay for individuals employed in the same or similar occupations at the same site.

- (1) The formula described in Section 42-730.323(b) shall only be used beginning in the tenth month and any future months of a long-term PREP assignment.

- (2) When the rate of pay for the same or similar occupation at the same site as provided in Section 42-730.323(b) is less than the average hourly wage for job openings placed with EDD, the EDD average hourly wage shall be used.

- 324 A PREP assignment shall not exceed 32 hours per week.
- 325 If the recipient was overpaid (Section 44-350.13) and as a result of the overpayment, worked more hours in a PREP assignment than would have been required if the overpayment did not occur, the CWD shall provide that:
 - (a) The number of hours the recipient is required to work in future months based on the method used in Sections 42-730.323(a) or (b) will be reduced by the number of hours which correspond to the amount of the overpayment recouped through a grant adjustment, voluntary cash recovery, or voluntary grant offset. This number of hours is determined by dividing the amount of the recoupment by the hourly wage used in Sections 42-730.323(a) or (b).
 - (b) If a participant ceases to participate in the PREP assignment before the adjustment in hours can be made, the remaining overpayment amount represented by PREP hours worked shall be waived.
- 326 The participant assigned to PREP shall be expected to continue to seek employment.
 - (a) At any time during a participant's PREP assignment, he/she may request job services as specified in Section 42-730.2.
 - (b) The combination of job search services and the PREP assignment shall not exceed 40 hours per week.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554 and 11320.3, (c)(6) and (d)(2)(C) and (D), [AB 2171, Chapter 77, Section 3.5, Statutes of 1989], Welfare and Institutions Code; Section 11349(c), Government Code; and 42 USC Sections 682(f)(1)(B) and (g)(2).

Amend MPP Section 42-760.1, .5, .6, and .7 to read:

42-760 GAIN REGISTRATION

42-760

- .1 Unless exempt as specified in Sections 42-788 through 42-798, The following individuals are automatically registered for GAIN:
 - .11 Individuals as specified in MPP Section 42-625.1.
 - .12 Exempt individuals who volunteer to participate.
 - .13 Individuals whose status changes from exempt to nonexempt.
 - .14 The CWD shall use the exemption criteria listed in MPP Sections 42-788 through 42-798.
- .2 (Continued)
- .3 (Continued)
- .4 (Continued)
- .5 If the CWD is phasing-in its caseload, pursuant to MPP Section 42-710.26, the CWD shall notify nonexempt individuals in writing that they are registered for GAIN when they are to be phased into the program. The CWD shall provide the same notification of registration that is required in MPP Section 42-760.4.
- .6 The individual changes from exempt to nonexempt status, the CWD shall provide the notification of registration as required in MPP Section 42-760.4.
- .7 For purposes of data collection and participant tracking, the CWD shall maintain copies of the notification of registration required in Sections 42-760.4, .5, and .6.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code; and Section 11349(c), Government Code.

Amend MPP Sections 42-761.3 and .4 to read:

42-761 GAIN REGISTRANT APPRAISAL (Continued)

42-761

.3 Appraisal activities shall include the following:
(Continued)

.36 (Continued)

.362 For custodial parents described in Section 42-772.7, the activities specified in Sections 42-761.36 and .361 are not required.

.37 (Continued)

.38 Develop and document a preliminary employment goal for the registrant.

.381 In developing the preliminary employment goal, the CWD or agency contracting with the CWD shall consider at least the following:

(a) The information provided by the registrant on the self-appraisal form (Section 42-761.322).

(b) The available program resources.

(c) The local labor market opportunities.

(d) The registrant's existing educational level, marketable skills, and past work history.

.382 Subject to the provisions specified in Section 42-761.381 the preliminary employment goal shall be reflective of the registrant's preferences to the maximum extent possible.

.383 For custodial parents described in Section 42-772.7, the activities specified in Sections 42-761.38, .381, and .382 are not required.

.39 (Continued)

.4 All of the following registrants shall be deferred from mandatory participation until the CWD determines that the situation precluding participation no longer exists:

- (a) A caretaker relative who is enrolled in school for at least 12 units of credit and has a child age three, four or five.
- (b) (Continued)
- (c) (Continued)
- (d) (Continued)
- (e) (Continued)
- (f) (Continued)
- (g) (Continued)
- (h) Continued)
- (i) (Continued)
- (j) (Continued)
- (k) A woman who is in the first trimester of pregnancy.
- (l) A 16 or 17 year old custodial parent who is not currently in school and who does not possess a high school diploma.
- (m) A parent or other adult relative who is caring for a child who meets the age requirements of Section 42-101.1 when the other parent or adult relative meets the following conditions:
 - (i) the other parent or adult relative is in the home;
 - (ii) the other parent or adult relative does not meet any of the exemption criteria specified in Sections 42-7889 through 42-7895; and,
 - (ii) the other parent or adult relative is participating in the program.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference:

Sections 10554, 11310(d), 11320.1, and 11320.5(a) and (b), [AR 2171, Chapter 77, Sections 1 and 4.5, Statutes of 1989], Welfare and Institutions Code; Section 11349(c), Government Code; and 42 USC Sections 602(a)(19)(E)(i), and 682(a) and (b)(1)(A) and (B).

Amend MPP Section 42-771.42 to read:

42-771 GAIN PARTICIPANT CONTRACTS (Continued)

42-771

.4 (Continued)

- .42 Subject to limits specified in Section 42-730.27, the participant shall receive job search services if the training or education component agreed to in the contract is not immediately available.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554 and 11320.3(c)(5), [AB 2171, Chapter 77, Section 3.5, Statutes of 1989], Welfare and Institutions Code; Section 11349(c), Government Code; and 42 USC Section 682(g)(2).

Amend MPP Section 42-772 to read:

42-772 GAIN BASIC PARTICIPANT CONTRACT REQUIREMENTS
(Continued)

42-772

- .5 Except as specified in Section 42-772.7, for any participant who lacks basic literacy or mathematics skills, a high school diploma or its equivalent, or English language skills, the basic contract shall provide that the individual participate in either remedial education, instruction in order to obtain a general educational development (GED) certificate, or instruction in English-as-a-second language. (Continued)
- .6 Except as provided in Section 42-772.61, for any parent who has a child three through five years of age, participation shall not be required for more than 20 hours per week.
 - .61 The participation limit specified in Section 42-772.6 is ~~not~~ applicable to the only one parent in an AFDC-U case ~~who is required to participate in GAIN.~~
- .7 For any custodial parent under age 20, who does not possess a high school diploma or its equivalent and who is not exempt, or whose sole reason for exemption would have been having a child under age three, or who volunteers, the initial contract shall provide that the individual participate in an educational activity leading to a high school diploma or equivalent.
 - .71 Notwithstanding Section 42-772.6, these participants shall participate full-time, as defined by the educational provider.
 - .72 GAIN participation for these participants is limited to the education requirement in Section 42-772.7.
 - .73 Upon completion of the educational activity, the following participation requirements apply:
 - .731 If the age of the participant's youngest child is under age three, no further participation is required.

HANDBOOK BEGINS HERE

- (a) These parents should be encouraged to volunteer.

HANDBOOK ENDS HERE

- .732 If the age of the participant's youngest child is three through five, and child care is available, participation in the appropriate component consistent with the normal GAIN program flow is required, but cannot be required for more than 20 hours per week.
 - .733 If the age of the participant's youngest child is age six or over, participation in the appropriate component in the normal GAIN program flow is required.
 - .734 Notwithstanding the provisions of Sections 42-772.731, .732, and .733, if the participant is the parent in an AFDC-U case who is required to participate, participation in the appropriate component in the normal GAIN program flow is required.
- .8 Notwithstanding any other provision in these regulations, for any mandatory registrant for whom AFDC eligibility has not yet been determined and who meets the job search criteria in Sections 42-772.1 or 42-772.2, the initial contract activity is limited to appraisal and the job search activities specified in Sections 42-772.1 and 42-772.2, as applicable, until such eligibility has been established.
- .81 For those mandatory registrants for whom AFDC eligibility has not yet been determined and who do not meet the job search criteria in Sections 42-772.1 or 42-772.2, the only activity that can be required is appraisal; further participation cannot be required until such eligibility has been established.
- .82 For those mandatory registrants for whom AFDC eligibility has not yet been determined, who meet the job search criteria specified in Section 42-772.1 or Section 42-772.2, who are in need of basic education and who choose to participate in such education prior to the applicable job search activity, participation cannot be required until such eligibility has been established.
- .9 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554, 11310(C)(6)(d), and 1120.5(b)(7), [AB 2171, Chapter 77, Sections 1 and 4.5, Statutes of 1989], Welfare and Institutions Code; Section 11349(c), Government Code; and 42 USC Sections 602(a)(19)(B)(i), (C)(iii), (D), and (F), and 682(g)(2).

Amend MPP Sections 42-774.121(d) and .2 to read:

42-774 PARTICIPANT CONTRACT AMENDMENTS
(Continued)

42-774

.1 (Continued)

.12 (Continued)

.121 (Continued)

(d) Subject to limits specified in Section 42-730.27, if the training and education services (as described in Sections 42-730.3 and .5) to be provided under the contract are not immediately available, the participant shall receive job search services until the designated services are available. (Continued)

.2 Subject to limits specified in Section 42-730.27, any individual who remains unemployed after meeting the criteria established for successful completion of the assigned training or education services agreed to in .1 above, shall be referred to job search services for a period of 90 days. These job search services may include any of the services under Section 42-730.2, depending on the participant's needs. The contract shall be amended to reflect the assignment to a job search component, and the provision of supportive services. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.3(c)(6), [AB 2171, Chapter 77, Section 3.5, Statutes of 1989], Welfare and Institutions Code; and 42 USC Section 682(g).

Amend MPP 42-781.1 to read:

42-781 CAUSE DETERMINATIONS AND INFORMAL AND FORMAL CONCILIATIONS 42-781

- .1 Before sanctions (Section 42-786) are applied, the CWC shall determine if there is good cause and attempt to resolve the problems when an individual who is required to enter into a participant contract or who volunteers to participate in the program fails or refuses to meet any of the following program requirements: (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.6(b)(2), [AP 2171, Chapter 77, Section 5.5, Statutes of 1989], Welfare and Institutions Code.

Amend MPP Section 42-781.6 to read:

42-781 CAUSE DETERMINATIONS AND INFORMAL AND FORMAL CONCILIATIONS (Continued) 42-781

.6 (Continued)

.63 When the noncomplying individual is a the AFDC-4 parent required to participate in a family whose sole basis of deprivation is the unemployment of the principal earner and the spouse or second parent is not participating in GAIN, the spouse or second parent shall be notified in writing, at the beginning of the formal conciliation period, of his/her opportunity to participate in GAIN. The notice shall explain the impact of his/her participation on any financial sanction.

.64 If the spouse or second parent does not choose to participate, he/she shall be subject to any financial sanction imposed on the noncomplying parent in accordance with Sections 42-786.2 and 42-786.314.

.64.65 The spouse or second parent shall be allowed to choose to participate at any time, including following the imposition of financial sanctions.

.65.65 Regardless of whether the County is operating under an approved statutory reduction plan (Section 42-720.6), a spouse or second parent who chooses to participate shall be allowed to do so.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320(b)(2) and (e)(1), [AB 2171, Chapter 77, Section 5.5, Statutes of 1989], Welfare and Institutions Code; and 45 CFR 250.34(c)(2).

Amend MPP Section 42-781.9 to read:

42-781 CAUSE DETERMINATIONS AND INFORMAL AND
FORMAL CONCILIATIONS (Continued)

42-781

- .9 If the formal conciliation process is unsuccessful in resolving the conflict, the CWD shall follow the procedures in Section 42-786 for financial sanctions.

The procedures described above for the cause determination and formal conciliation are the same procedures used when a participant files a formal grievance based on Section 5302 of the Unemployment Insurance Code. See Section 42-787.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.6(b)(2), [AB 2171, Chapter 77, Statutes of 1989], Welfare and Institutions Code.

Amend MPP Section 42-782.1 to read:

42-782 GAIN GOOD CAUSE CRITERIA

42-782

.1 Good cause for a refusal or failure to enter into a participant contract as required, to participate in a program component agreed to in the participant contract, or to accept a job offer or referral shall include any of the following:
(Continued)

(m) The assignment or job would require an individual who meets the criteria specified in Section 42-772.6 to participate or work more than 20 hours per week.

(n) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.7(a)(14), [AR 2171, Chapter 77, Section 7, Statutes of 1989], Welfare and Institutions Code; and 42 USC Section 602(a)(19)(G)(iv)(I).

Amend MPP Sections 42-784.2, .42, and .5 to read:

42-784 METHOD OF DETERMINING NET LOSS OF INCOME FOR GAIN 42-784
GOOD CAUSE CRITERIA (Continued)

.2 For purposes of determining good cause under GAIN, net loss of income is considered to occur when current income is greater than the post employment income would be if the job offer were accepted.

.3 (Continued)

.4 Post employment income shall be determined as follows:
(Continued)

.42 From the gross earnings determined in Section 42-784.41, deduct all of the following as if the job had been accepted: (Continued)

.421 (Continued)

.422 Child care expenses of participants who would go off aid if the job were accepted and who would not be eligible for transitional child care.

(a) Allowable child care expenses shall include actual costs of child care services not to exceed the regional market rate.

.423 Transportation expenses, as estimated by the participant and in accordance with Sections 42-750.3, .31, .311, .312, .313, and .314.

.43 (Continued)

•5 Examples

HANDBOOK BEGINS HERE

- 51 The participant's assistance unit consists of a mother and two children. The assistance unit has \$50 of net nonexempt income in the budget month. The participant is in Job Club as required by her basic participant contract. The participant is offered a job that pays \$1,300, which exceeds 185 percent of MBSAC for her assistance unit. Mandatory deductions are estimated to be \$160. Transportation costs are estimated to be \$90. The participant is eligible for transitional child care.

The calculation for current income would be done as follows:

AFDC grant	\$ 633
+ Net Nonexempt Income from Budget Month	+ <u>50</u>
= Current Income	683

The calculation for "post-employment income" would be done as follows:

Gross earning from job offered	\$ 1,300
- Mandatory deductions	- 160*
- Child Care	0*
- Transportation expenses	- <u>90*</u>
Sub Total	= 1,050
+ Net Nonexempt Income from Budget Month	+ <u>50</u>
Total	\$ 1,100

Because the post-employment income is more than current income, the participant would not have good cause for refusing this job offer.

* These amounts are for illustration purposes only.

- .52 The participant's assistance unit consists of a mother and two children. The assistance unit has \$510 of net nonexempt income in the budget month. The participant is in Job Club as required by her basic participant contract. The participant is offered a job that pays \$1,180, which does not exceed 185 percent of MRSAC for her assistance unit. Mandatory deductions are estimated to be \$200. Transportation costs are estimated to be \$100. The participant has been on aid for two of the last six months and is not eligible for transitional child care. Child care expenses are \$250.

The calculation for current income would be done as follows:

AFDC grant	\$ 633
+ Net Nonexempt Income	+50
from Budget Month	<u>+10</u>
Current Income	\$ <u>693</u>

The calculation for "post-employment income" would be done as follows:

Gross earning from job offered	\$ 1,180
- Mandatory deductions	-150 <u>200*</u>
- Child Care	- 0 <u>250*</u>
- Transportation expenses	-900 <u>100*</u>
Sub Total	=940 <u>630</u>
+ Net Nonexempt Income	
from Budget Month	+ 50 <u>10</u>
Total	\$ 990 <u>640</u>

Because the post-employment income is ~~more~~less than current income, the participant would ~~not~~ have good cause for refusing this job offer.

* These amounts are for illustration purposes only.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference:

Section 11320.7(d), [AB 2171, Chapter 77,
Section 7, Statutes of 1989], Welfare and
Institutions Code; and 42 USC Section
602(a)(19)(H).

Repeal MPP Section 42-785:

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.6(b)(2), [AB 2171, Chapter 77, Section 5.5, Statutes of 1989], Welfare and Institutions Code.

Amend MPP Sections 42-786.1, .2, .3, .4, .5, and .7 to read:

42-786 GAIN FINANCIAL SANCTIONS (Continued)

42-786

- .1 Financial sanctions shall be applied when a mandatory participant fails or refuses to meet program requirements without good cause and informal and formal conciliation efforts have failed.
- .2 Financial sanctions shall be applied as follows:
 - .21 The first instance of noncompliance without good cause shall result in a financial sanction period which shall continue until the individual and the County Welfare Department reach an agreement in an amended contract or the individual agrees to participate in the activity in which he/she previously refused to participate.
 - .22 The second instance of noncompliance without good cause shall result in a financial sanction period which shall continue for three (3) months, or until the individual and the County Welfare Department reach an agreement or the individual agrees to participate in the activity in which he/she previously refused to participate, whichever is longer.
 - .23 The third or subsequent instance of noncompliance without good cause shall result in a financial sanction period which shall continue for six (6) months, or until the individual and the County Welfare Department reach an agreement or the individual agrees to participate in the activity in which he/she previously refused to participate, whichever is longer.
 - .24 If a sanction period has continued for three (3) months, the CWD shall notify the individual in writing of his/her option to end the sanction by beginning (or resuming) participation. This notification is to be made no later than 10 working days prior to the end of the third month of the sanction.
 - .241 If this is the third or subsequent sanction, the individual shall be notified as specified in Section 42-786.24 that the sanction can be ended only after completion of the six-month sanction period.
- .3 During the sanction period, aid shall be discontinued to the individual or assistance unit as specified below:

.31 If the individual who failed or refused to participate is:

.311 A caretaker relative, other than the principal earner, his/her aid shall be discontinued, aid shall be continued to the remainder of the family (refer to Section 42-786.5 and Section 44-309 for protective payments); or

.312 (Continued)

.313 (Continued)

.314 A parent in a family whose sole basis of deprivation is the unemployment of the principal earner, his/her aid shall be discontinued. In addition, if the sanctioned parent's spouse or the second parent is not participating in the program, aid to the spouse or second parent shall also be discontinued.

(a) Aid shall be continued for any dependent children in the assistance unit in accordance with the provisions of Section 44-309.

~~.315~~(b) If the spouse or second of the sanctioned parent is participating in the program, his/her aid shall be continued, together with aid for any dependent children in the assistance unit.

(c) If the spouse or second parent chooses to participate after the financial sanction has been imposed, his/her aid shall be restored in accordance with Section 40-125.9.

(d) If the spouse or second parent chooses to participate and subsequently ceases participation without good cause after reinstatement of the sanctioned parent, the spouse or second parent shall be subject to the sanctions specified in Sections 42-786.2 or 42-786.7, as appropriate.

.4 The discontinuance from aid shall become effective at the end of the month following the CWD's timely and adequate notification (see Section 22-022.1), except as specified in Sections 42-786.41 and 42-787.61: (Continued)

- .5 The CWD shall arrange for a protective payee in accordance with Section 44-309 as specified in Sections 42-786.311 and 42-786.314(a).
- .6 (Continued)
- .7 Financial sanctions shall not apply to individuals who are exempt from participation but choose to voluntarily participate in the program.
 - .71 If a volunteer participant who is a member of a group listed under Section 42-720.671 engages in conduct which would result in sanctions for a mandatory participant, the individual shall not be given priority so long as other individuals are actively seeking to participate.
 - .72 If any other volunteer participant engages in conduct which would result in sanctions for a mandatory participant, the individual shall be precluded from participating in the program for a six-month period.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554 and 11320.6(d), (e) and (f) [AB 2171, Chapter 77, Section 5.5, Statutes of 1989], Welfare and Institutions Code; Sections 11349(c) and (d), Government Code; 42 USC Sections 602(a)(19)(G)(i), (ii), and (iii); and 45 CFR 250.34(c)(2).

Amend MPP Sections 44-309.1 and .15 to read:

44-309 PROTECTIVE PAYMENTS IN APPLYING THE CHILD SUPPORT 44-309
SANCTION

Choosing, appointing, and reviewing protective payees.

.1 When the parent or needy caretaker relative is excluded from the assistance unit pursuant to Sections 44-206.1(d)(1), 44-206.1(d)(2), or Section 42-786, the payment for the assistance unit shall be made in its entirety by protective payments provided the county is able to locate an appropriate protective payee. See Section 44-310. Where protective payments are made solely because of a failure to cooperate or to assign support rights pursuant to Sections 43-106 or 43-107.1: (Continued)

.15 Protective payments will be terminated with return to money payment status only upon compliance by the parent or needy caretaker relative with the provisions of Sections 43-106 and/or 107, or Section 42-786.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code; and Sections 11349(c) and (d), Government Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

NOV 29 1989

At 4:11 o'clock P. M.

MARCH FONG EU, Secretary of State

By Anella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1030-02


LINDA BREWER
DIRECTOR

11/29/89

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services
(AGENCY)

L. S. McNeil
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 11-15-89

FILED
In this office of the Secretary of State
of the State of California

NOV 30 1989
At 4:30'clock P. M.
MARCH FONG EU, Secretary of State
By *Joella Cruz*
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED:

30-757, 30-763, and 30-765

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: 30-757

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: June 8, 1989 OAL# 89060803

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER

February 17, 1989

- b. DATE OF FINAL AGENCY ACTION

NOV 1 1989

- c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))

October 4, 1989 - October 19, 1989

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☒ Effective on FILING (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
- Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

#9
change per
agency
request
11/30/89

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon
Director

8-26-88
Date

Amend Section 30-757.134(a)(1)(A) to read:

30-757 PROGRAM CONTENT (Continued)

30-757

.134 Restaurant Meal Allowance.

(a) An aged or disabled client who has adequate cooking facilities at home but whose disabilities prevent their use shall be advised of his/her option to receive a restaurant meal allowance in lieu of the services specified in .131 through .133, above, and shopping for food which the recipient would otherwise receive.

(1) The amount of the restaurant meal allowance shall be that specified in Welfare and Institutions Code Section 12303.7 or as otherwise provided by law.

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(A) IHSS restaurant meal allowances established in accordance with Welfare and Institutions Code Section 12303.7 shall be as follows:

Effective Date	Allowance for an individual	Allowance for a couple
July 1, 1985	\$55.00 per month	\$110.00 per month

(A) IHSS restaurant meal allowances established in accordance with Welfare and Institutions Code Section 12303.7 shall be as follows:

<u>Allowance for an individual</u>	<u>Allowance for a couple</u>
<u>\$62 per month</u>	<u>\$124 per month</u>

(2) (Continued)

(3) (Continued)

Authority Cited: Section 10553 of the Welfare and Institutions
Code.

Reference: Section 12303.7 of the Welfare and Institutions
Code.

Amend MPP Section 30-763.233 to read: .

30-763 NEEDS ASSESSMENT PROCESS (Continued)

30-763

.2 Determination of the total need for IHSS services.
(Continued)

.23 Shared Living Arrangements: The following steps apply to assessing need for clients who live with another person(s). With certain exceptions specified in .24 below, the need for IHSS shall be determined in the following manner. (Continued)

.233 The need for protective supervision shall be assessed based on the recipient's individual need provided that:

- (a) When two (or more) IHSS recipients are living together and both require protective supervision, the need shall be treated as a common need and prorated accordingly. In the event that proration results in one recipient's assessed need exceeding the payment and hourly maximums provided in Section 30-465765, the apportionment of need shall be adjusted between the recipients so that all, or as much as possible of the total common need for protective supervision may be met within the payment and hourly maximums.
(Continued)

Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference: Section 12303.4 of the Welfare and Institutions Code.

Amend MPP Section 30-765 to read:

30-765 COST LIMITATIONS

30-765

.1 The following limitations shall apply to all payments made for in-home supportive services:

.11 The maximum amount paid services authorized per month for services except as provided in Section 30-765.3, under IHSS to any recipient determined to be severely impaired, as defined in Section 30-753 (ee) shall be that specified in Welfare and Institutions Code Section ~~12304(a)~~ 12303.4(b) or as otherwise provided by law.

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.111 The IHSS payment service hours for a severely impaired recipient receiving services through the individual provider mode of delivery shall not exceed ~~\$974~~ 283 hours per month effective ~~July 1,~~ July 8, 1988. (Welfare and Institutions Code ~~12304(a)~~ and ~~12303.5~~ 12303.4(b)(1)).

.112 The IHSS payment maximums for a severely impaired recipient receiving services in modes of delivery other than the individual provider mode shall not exceed \$1202.75 per month, effective July 8, 1988. (Welfare and Institutions 12303.4(b)(2)).

.12 The maximum amount paid services authorized per month for services except as provided in Section 30-765.3, under IHSS to any recipient determined not to be severely impaired shall be that specified in Welfare and Institutions Code Section ~~12303.5~~ 12303.4 (a) or as otherwise provided by law.

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.121 The IHSS payment service hours for a recipient who is not determined to be severely impaired and receives services through the individual provider mode of service delivery shall not exceed ~~\$674~~ 195 hours per month effective ~~July 1,~~ July 8, 1988 (Welfare and Institutions Code Section ~~12303.5~~ 12303.4(a)(1)).

.122 The IHSS payment maximum for a nonseverely impaired recipient receiving services through modes of delivery other than the individual provider mode shall not exceed \$828.75 per month, effective July 8, 1988. (Welfare and Institutions Code 12303.4(a)(2)).

.13 The statutory maximum service hours per month shall be inclusive of any payment by IHSS for a restaurant meal allowance established in accordance with the Welfare and Institutions Code Section 12303.7.

.131 The statutory maximum for individuals receiving services through the individual provider mode of service delivery and eligible for the restaurant meal allowance shall be determined by multiplying the statutory maximum hours of service by the county wage rate, subtracting the restaurant meal allowance (see Section 30-757.134(a)(1)(A)) from this product and dividing the remainder by the county hourly wage rate.

.132 The statutory maximum for individuals receiving services through modes of delivery other than the individual provider mode shall be determined by subtracting the restaurant meal allowance (see Section 30-757.134(a)(1)(A)) from the payment maximum (\$1202.75 for the severely impaired and \$828.75 for the nonseverely impaired).

.13.14 The county shall not make monthly payments of IHSS monies to recipients in excess of the computed maximums in Section 30-765.11 and .12 and .13 above. The maximums shall be inclusive of any payment by IHSS for a restaurant meal allowance. The sum of the IHSS monthly payment and the recipient's share of cost, if any, shall not exceed the appropriate maximum.

.14 When the monthly payment maximums are adjusted for annual increases in the cost of living, payments to individual recipients shall be increased only if the cost of the services needed, as determined in the most recent assessment of need, exceed those which could be authorized under the previous monthly maximum.

.2 The statewide wage rate for individual providers shall be determined by the Department. Effective July 8, 1988, the statewide wage rate is \$4.25.

.3 IHSS recipients receiving services through the individual provider mode of delivery shall not receive less service hours per month than he/she received during June 1988, without a reassessment of need. The reassessment shall not result in an automatic reduction in authorized hours, unless the recipient no longer needs the hours.

.4 These regulations shall remain in effect until July 1, 1990, unless a later enacted regulation extends or repeals that date.

Authority Cited: Section 10553 of the Welfare and Institutions Code.

Reference: Sections 12303.4 and .7 of the Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION
OF
APPROVAL

FILED

In this office of the Secretary of State
of the State of California

NOV 30 1989
At 4:56 o'clock P.M.
MARCH FONG EU, Secretary of State
By Louella C. [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1102-01

[Signature]
LINDA BREWER
DIRECTOR

11/30/89

89-1109-03C
(See Instructions on Reverse)

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: The regulations attached
are true and correct and the regulations
adopted, amended or repealed by this agency
and that the information specified on this Face
Sheet is true and correct.

CERT

FILED

In the office of the Secretary of State
of the State of California

DEC 04 1989

At 4:37 o'clock P.M.

MARCH FONG EU, Secretary of State

By Luella Cruz
Deputy Secretary of State

For use by Secretary of State only

ENDORSED
APPROVED FOR FILING

DEC 04 1989

Office of Administrative Law

For use of Office of Adm Law

State Department of Social Services

(AGENCY)

L. S. McNeil

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: November 8, 1989

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark Chief, Regulations Development Bureau (916) 445-0313

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP SECTIONS ADOPTED: 63-089

SECTIONS AMENDED: 63-407.8

SECTIONS REPEALED: _____

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER August 4, 1989	b. DATE OF FINAL AGENCY ACTION November 8, 1989	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) None
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9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
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FILING REQUIREMENTS

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- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Adopt new MPP Section 63-089 to read:

63-089 IMPLEMENTATION OF FOOD STAMP EMPLOYMENT AND 63-089
 TRAINING PROGRAM REIMBURSEMENT REGULATIONS

Effective August 11, 1989, CWDs shall implement the following provisions relating to the Food Stamp Employment and Training Program requirements: 63-407.81 and 63-407.83.

Authority Cited: Sections 10553, 10554, and 18902, Welfare and
 Institutions Code.

Reference: Sections 18902 and 18904, Welfare and
 Institutions Code.

Amend MPP Sections 63-407.811 and .83 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued) 63-407

.8 Food Stamp Employment and Training Program

.81 CWD Screening

The CWD shall screen each work registrant to determine whether or not the registrant will participate or be deferred from the FSET Program. This requirement shall not apply in counties that are totally geographically excluded as allowed in Section 63-407.842.

.811 The following registrants shall be deferred from mandatory participation until the CWD determines that the situation precluding participation no longer exists.

(a) (Continued)

(b) (Continued)

(c) A person who is unable to participate due to personal circumstances. This shall include persons who:

(1) Lack dependent care;

(A) (Continued)

(B) Lack of dependent care shall be determined if dependent care costs exceed \$160.00 per month per dependent.

(2) Lack transportation to an FSET Program site;

(A) (Continued)

(B) Transportation costs plus other costs of participation (excluding dependent care costs) exceed \$25.00 per month.
(Continued)

.83 Participant reimbursement

As of July 1, 1989 and thereafter the CWD shall reimburse participants, including volunteers and applicants, for costs that are reasonably necessary and directly related to participation as follows:

- 831 For transportation and other costs (except for dependent care costs), up to \$25.00 per participant per month.
- 832 For dependent care costs, the actual cost in an amount not to exceed \$160 per month per dependent.
 - (a) In lieu of providing reimbursements or payments for dependent care, the CWD may arrange for care through providers by use of purchase of service contracts or vouchers or by providing vouchers to the household.
 - (b) Reimbursement, payment, or arrangement for dependent care shall not be made to an individual who is the caretaker relative of a dependent in a family receiving Aid to Families with Dependent Children.
- 833 If a method has been approved in the State Plan for the CWD to provide allowances that reflect approximate costs of transportation and other costs of participation (except dependent care) rather than reimbursements, participants shall be provided an opportunity to claim actual expenses which exceed the CWD standard, up to \$25.00.

Authority Cited: Sections 10553, 10554 and 18902, Welfare and Institutions Code.

Reference: 7 U.S.C. Section 2015(d)(4)(I).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

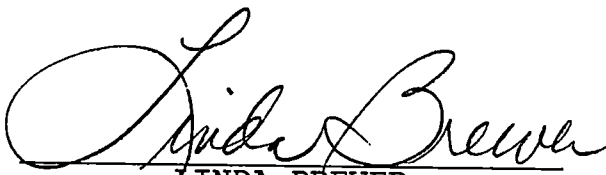
DEC 04 1989

At 4:37 o'clock P. M.
MARCH FONG EU, Secretary of State
By Lonella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1109-03


LINDA BREWER
DIRECTOR

12/04/89

FACE SHEET

(See Instructions on Reverse)

1989 NOV 22 PM 5:04

OFFICE OF
ADMINISTRATIVE LAW

RECORDED

11/22/89 HUNG

DEC 04 1989

Office of Administrative Law

For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

EMERGENCY
CERTIFICATION: I hereby certify that the attached regulations are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

10-27-89

FILED

In the Office of the Secretary of State
of the State of California

DEC 04 1989

At 4:37 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Anella Cruz*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED: _____
SECTIONS AMENDED: 45-201 and 45-202.1
SECTIONS REPEALED: 40-181.211
b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER b. DATE OF FINAL AGENCY ACTION c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
Not Applicable 12-1-89 NOV 22 1989 Not Applicable
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

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- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
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- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon
Director

8-26-88
Date

Repeal Section 40-181.211 and renumber Sections 40-181.212 through .216 to .211 through .215, respectively to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

.2 Periodic Determination of Eligibility (Continued)

.21 (Continued)

~~.211~~ For AFDC-FG cases, a redetermination of all of the recipient's circumstances which are subject to change shall be completed at least once every six months. At the time of the six month redetermination, the parent or legal guardian shall complete the CA 2 or, at county option, the FG 2. If the parent or legal guardian is unavailable or not cooperating, the placement worker shall complete either the CA 2 or FG 2 as specified in Section 40-128.2. Each recipient shall either be given or mailed informational material required by SDSS at the time of redetermination.

For AFDC-FG, the placement worker shall assess the recipient child's need for CHDP services, and shall provide information to the foster care provider and/or, as appropriate, to the child. Provision of CHDP information materials shall be documented in the service case record.

.212~~1~~ (Continued)

.213~~2~~ (Continued)

.214~~3~~ (Continued)

.215~~4~~ (Continued)

.216~~5~~ (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Amend Section 45-201 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

.7 A redetermination of all of the foster child's circumstances which are subject to change shall be completed once every six months.

.71 At the time of the six month redetermination, the parent or legal guardian shall complete the CA 2 (1/87) or, at county option, the FC 2 (2/82). If the parent or legal guardian is unavailable or uncooperative, the placement worker shall complete either the CA 2 (1/87) or FC 2 (2/82).

"Statement of Facts Supporting
Eligibility for AFDC-Foster Care (FC)"

"Statement of Facts Supporting
Eligibility for Assistance"

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Amend Section 45-202.1 to read:

45-202 FEDERAL AFDC-FC PROGRAM

45-202

.1 Deprivation

.11 (Continued)

.12 For redetermination purposes as specified in Section 45-201.7, continuing deprivation shall be evaluated based upon the caretaker/relative's home from which the child was removed.

.121 Continuing deprivation is automatically met in those cases in which deprivation was originally based on the death of either parent, or in which the child has been relinquished following the initial determination of deprivation.

.122 If the whereabouts of the caretaker/relative cannot be determined by the CWD at the time of the redetermination, documentation in the case record shall demonstrate a good faith effort to locate the caretaker/relative and federal linkage continues.

.123 If the caretaker/relative refuses to cooperate, the CWD shall make a good faith effort to obtain required information. If this effort indicates a continued deprivation status or if no information to the contrary is found, federal linkage continues.

.124 A subsequent change in the child's circumstances shall not affect the initial deprivation determination.

HANDBOOK BEGINS HERE

For example, in a two-parent household, if the father returns to full-time employment, deprivation would no longer exist for the child in foster care for those months the father was employed full-time. However, if the father becomes unemployed again, then the child's status would change from ineligible to eligible and federal financial participation would be available for the foster care payment. (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

DEC 04 1989

At 4:37 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Luella Cruz*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1122-03

Linda Brewer
LINDA BREWER
DIRECTOR

12/04/89

FACE SHEET

(See Instructions on Reverse)

RDB #0389-08

FILED

In this office of the Secretary of State
of the State of California

DEC 14 1989

At 4:33 o'clock P.M.

MARCH FONG EU, Secretary of State

By [Signature]
Deputy Secretary of State

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information is reflected on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

11-9-89

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

(916) 445-0313

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title 22

SECTIONS ADOPTED:

SECTIONS AMENDED:

101316.2(c)

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER

b. DATE OF FINAL AGENCY ACTION

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))

June 30, 1989

November 9, 1989

N/A

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

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Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).

Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.

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- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.

Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.

b. Provide the date on which the regulatory agency adopted the regulatory changes.

c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.

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- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
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- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Amend Section 101316.2(c) to read:

101316.2 TEACHER QUALIFICATIONS AND DUTIES

101316.2

(c) To be a fully qualified teacher, a teacher shall have one of the following:

(1) (Continued)

(A) (Continued)

(B) (Continued)

(2) A current and valid Child Development Associate (CDA) credential with the appropriate age level endorsement issued by the CDA National Credentialing Program, and at least six months of on-the-job training and/or work experience in a licensed child care center or comparable group child care program.

(A) A CDA credential shall show the appropriate preschool or infant/toddler age level endorsement to qualify an individual for employment in a preschool or infant day care center.

(B) A CDA credential is valid for three years from date of award and renewals may be granted, after approval, for an additional five years by the CDA National Credentialing Program.

(C) Experience shall be verified as having been performed satisfactorily, at least three hours per day for a minimum of 50 days in a six month period, as a paid or volunteer staff member under the supervision of a person who would qualify as a teacher or director under these regulations.

(D) Individuals who possess a CDA credential may have also met the required six months work experience specified in Section 101316.2(c)(2). This work experience shall be verified to confirm the experience requirement has been fulfilled. Verification may be obtained by contacting the National Credentialing Program, 1718 Connecticut Avenue, Northwest, Suite 500, Washington, D.C. 20009, (1-800-424-4310).

(3) (Continued)

Authority Cited: Section 1596.81 Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.87, 1597.05, 1597.055 and 1597.057 Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In this office of the Secretary of State
of the State of California

DEC 14 1989
At 4:33 o'clock P.M.
MARCH EDONG EU, Secretary of State
By Ethel Lowndes
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1114-01


LINDA BREWER
DIRECTOR

12/14/89

FACE SHEET

(See Instructions on Reverse)

RDB #0487-15

APPROVED FOR FILING

DEC 15 1989

Office of Administrative Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

L. S. McNeil

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 11-8-89

FILED

In this office of the Secretary of State
of the State of California

DEC 15 1989

At 3:15 o'clock P.M.

MARCH FONG EU, Secretary of State

By *[Signature]*

Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions) Rosalie Clark, Chief, Regulations Development Bureau TITLE REGULATIONS DEVELOPMENT BUREAU TELEPHONE (916) 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title 22
SECTIONS ADOPTED: 35067, 35069, 35071, 35073, 35075, 35077.
SECTIONS AMENDED: 35000
SECTIONS REPEALED: _____
b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER June 30, 1989
b. DATE OF FINAL AGENCY ACTION November 8, 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.

Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.

Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)

b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).

Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).

Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.

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- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.

Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.

b. Provide the date on which the regulatory agency adopted the regulatory changes.

c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.

Part 9. Effective Dates — check one of the following:

- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

1) Amend and renumber Section 35000 to read:

35000 DEFINITIONS (Continued)

35000

- (f) (1) "FBI criminal record" (Continued)
- (2) "Filing" (Continued)
- (3) "Final Decree of Adoption" (Continued)
- (4) "Fiscal Year" means the state fiscal year. The state fiscal year begins July 1 and ends June 30 of the following year.
- (~~4~~) "Foreign Agency" (Continued)
- (~~5~~) "Foreign Guardianship" (Continued)
- (~~6~~) "Freed for Adoption" (Continued)
- (~~7~~) "Full state criminal record" (Continued)

Authority Cited: Sections 10553, 10554, 16118, 16118(a), and 16141, Welfare and Institutions Code and Health and Safety Code Section 1530.

Reference: Sections 10553, 10554, 10800, 16000, 16115, 16116, 16118, 16120, and 16121, Welfare and Institutions Code; Sections 25, 62, 221, 224, 224m, 224n, 224q, 226.1, 226.2, 226.4, 226.6, 226a, 226c, 227, 227b, 232, 239, 7001, 7002, 7003, 7004, and 7017, Civil Code; Sections ~~251.2~~ and 1502, Health and Safety Code; Section 13290, Government Code; 8 USC 1101(b)(1)(F); 25 USC 1901, 1903(2), (3), (4), (5), (6), (8), (9), (11), (12); and 42 USC 673 and 675, and Section 11105(a)(2), Penal Code; and 28 CFR Section 16.31.

2) Adopt Article 4 title to read:

Article 4. Private Adoption Agency Reimbursement Program

35067 RESERVED

35067

HANDBOOK

The Private Adoption Agency Reimbursement Program provides funds for defraying private agency costs related to adoption and recruitment of adoptive families for placement of special-needs children whose age, sibling group, medical or psychological problems, background or other circumstances make placement especially difficult. Welfare and Institutions Code Section 16122 requires the Department to offer limited reimbursement to private adoption agencies for costs incurred in the placement of a special-needs child.

3) Adopt Section 35069 to read:

35069 ELIGIBILITY FOR REIMBURSEMENT

35069

(a) Agencies that choose to participate in this program shall:

- (1) Secure the Department's approval of operating costs as provided under Section 35071.
- (2) Document that the child is a special-needs child as defined in Section 35000(s)(4).
- (3) Document that the placement meets the requirements of Section 35327.

Authority Cited: Sections 10553, 10554, 10850(d), 10852, and 16118(a), Welfare and Institutions Code.

Reference: Sections 10850(d), and 16116, Welfare and Institutions Code and Sections 224s, 224t, 224v, 227(b), 230.6, 230.7, 1798.24(r) and (s), and 227aaa, Civil Code.

4) Adopt Section 35071 to read:

35071 AGENCY OPERATING COST APPROVAL
REQUIREMENTS

35071

(a) The agency shall submit to the Department the following direct cost information for each fiscal year for which reimbursement is sought:

(1) Total hours worked on casework activities including:

(A) Caseworkers' and caseworkers' supervisors' hours;

(B) Clericals' and administrators' hours, if applicable;

(C) Vacation and sick leave hours, prorated to equal the time spent on casework activities.

(2) Percentage of casework hours from (1) above spent on adoptions casework activities other than Intercountry Adoptions.

HANDBOOK

(3) (A) through (C) (RESERVED)

(3) Examples of adoption casework activities include:

(A) Preparing the birthparent and child for relinquishment and adoption. This includes: counseling the birthparent; taking relinquishments; preparing cases and appearing in court for termination of parental rights; and, counseling children.

(B) Selecting and preparing the adoptive family. This includes: recruiting homes; studying homes; counseling adoptive parents to prepare them for an adoptive child.

(C) Matching children to families and providing post-placement services includes: Registering family and child with resource exchanges; conducting meetings between

child and applicants; interviewing and keeping in contact with the family after placement to assist with integration of the child into the family.

(4) Total salaries and benefits paid for casework activities including:

(A) casework-related salaries and benefits of caseworkers and caseworkers' supervisors;

(B) casework-related salaries and benefits of clericals and administrators, if applicable.

(5) Percentage of salaries and benefits from (4) above spent on adoption casework activities other than Intercountry Adoptions.

(6) Any other direct costs that can be attributed solely to adoptions other than Intercountry Adoptions.

HANDBOOK

(A) (RESERVED)

(A) Example: Fees for fingerprinting prospective adoptive parents of a special-needs child.

(b) The private agency's direct hourly cost rate shall be determined by dividing total salaries and benefits for adoption activities by total hours worked on adoption activities.

HANDBOOK

(b)(1) (RESERVED)

(1) Example: Total adoption salaries/benefits = \$60,000; Total adoption hours = 3,000. \$60,000 divided by 3,000 = \$20.00 direct hourly cost rate.

(c) The private agency shall submit to the Department the following indirect cost information for each fiscal year for which reimbursement is sought:

- (1) All administrator and clerical salaries and benefits not included in (4) (B) above.
- (2) Allowable administrative/overhead costs pursuant to the requirements of federal regulations at 45 CFR Part 74.174(a).

HANDBOOK

(A) and (B) (RESERVED)

(A) 45 CFR Part 74.174(a) states:

Section 74.174 Other nonprofit organizations.

(a) Except as provided in paragraph (c) of this section, the principles to be used in determining allowable costs of activities conducted by nonprofit organizations (other than governments, institutions of higher education, and hospitals) are contained in OMB Circular A-122, including any amendments to the Circular published in the FEDERAL REGISTER by OMB. A copy of this Circular may be obtained from the Division of Cost Allocation in any HHS Regional Office. Unless otherwise prescribed by OMB, amendments to the Circular shall apply as of the start of an organization's first fiscal year beginning after the amendment is published in the FEDERAL REGISTER.

(B) The federal publication "A Guide for Non-Profit Organizations" contains OMB Circular A-122 in addition to general policies and procedures regarding indirect costs. This publication may be purchased from the federal government by writing:

Superintendent of Documents

U.S. Government Printing Office

Washington, D.C. 20402

- (3) Identify the percentage of total costs from (c)(1) and (2) above that are adoption-related other than Intercountry Adoptions.

- (4) The private agency's indirect cost rate shall be determined by computing total adoption administrative/overhead (indirect) costs and dividing by total hours worked on adoptions activities.

HANDBOOK

(4) (A) (RESERVED)

- (A) Example: The private agency's total administrative/overhead costs = \$150,000. Agency determines that 30 percent of their activities are adoptions-related. Therefore, total adoptions administrative/overhead costs = \$45,000 (\$150,000 x .30). Total hours worked on adoptions activities = 3,000. \$45,000 divided by 3,000 = \$15.00 indirect hourly cost rate.

- (B) The indirect cost rate shall not be used to compute administrative/overhead costs on individual claims for reimbursement. This hourly rate shall be used by SDSS to compare a private agency's indirect hourly rate to its direct hourly rate. Indirect hourly cost rates in excess of a one to one ratio to a private agency's direct hourly cost rate shall require justification.

Authority Cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code.

Reference: Section 16122(b), Welfare and Institutions Code and 45 CFP Part 74.174(a).

5) Adopt Section 35073 to read:

35073 CLAIMING PROCEDURES

35073

- (a) Each claim for a special-needs adoptive placement shall consist of the following documents:
- (1) Form AD 831 (Rev. 7/87) - "Private Adoption Agency Cost Justification for Adoptive Placement";
 - (2) Form AD 42R (Rev. 5/87) - "Individual Record - Relinquishment Adoptions";
 - (3) Case Narrative describing the circumstances qualifying the child for special-needs status;
 - (4) Form FC-8 (Rev. 3/87) Federal Eligibility Certification for Adoption Assistance Program (3 Copies).
- (b) The private agency shall submit form AD 830 (Rev. 7/87). "Summary Claim for Reimbursement, Private Adoption Agency Reimbursement Program" for each fiscal year for which reimbursement is sought.

HANDBOOK

(b) (1) (RESERVED)

- (1) This form may list one or more placements as long as all placements are for the same fiscal year (the year in which the Adoptive Placement Agreement was signed).

(c) Cooperative Placements

- (1) When two or more private agencies participate in the placement of a special-needs child, each agency shall:
 - (A) Submit a claim for the agency's total costs for the placement;
 - (B) Note that the placement was cooperative;
 - (C) Identify the cooperating agency.

- (2) A cooperative placement shall be regarded as a single placement. Participating agencies shall be reimbursed in accordance with the percentage each agency contributes to the total cost of the placement. Processing of cooperative placement claims shall commence upon receipt of all participating agencies' claims for the placement.

HANDBOOK

(c) (2) (A) (RESERVED)

Example: A special-needs child is placed by two private agencies. Agency A submits a claim for \$2,500 and Agency B submits a claim for \$3,000, resulting in a total cost of \$5,500 for the placement. Agency A is credited with 45% of the placement; Agency B is credited with 55%.

(d) Sibling Placements

- (1) When siblings are placed together, the private agency shall submit a claim pursuant to Section 35073(a) for each child.

Authority Cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code.

Reference: Section 16122, Welfare and Institutions Code.

6) Adopt Section 35075 to read:

35075 REIMBURSEMENT CEILING

35075

- (a) Reimbursement to a private agency for any fiscal year shall be limited to an amount not to exceed the sum of \$3,500 multiplied by the number of placement claims approved by SDSS.
- (b) Claims shall be limited to a private agency's actual costs per placement, less any funds promised or received from any source for the placement.

HANDBOOK

(c) (RESERVED)

- (c) The following is an example of claims and payments for differing placement claim amounts resulting in fluctuating averages.

(c) (Continued)

A	B	C	D	E	F	G	H
PERCENT OF PLACEMENT	AMOUNT OF CLAIM	ACCRUED PLACEMENTS	ACCRUED CLAIMS	AVERAGE OF ACCRUED CLAIMS (D/C = E)	MAXIMUM REIMBURSABLE AMOUNT (3500XC = F)	AMOUNT PAID THIS CLAIM	ACCRUED AMOUNT PAID
.25	\$ 500	.25	\$ 500	\$ 2,000	\$ 875	\$ 500	\$ 500
.50	1,500	.75	2,000	2,667	2,625	1,500	2,000
1.00	3,500	1.75	5,500	3,143	6,125	3,500	5,500
.75	4,000	2.50	9,500	3,800	8,750	3,250	8,750
1.00	2,600	3.50	12,100	3,457	12,250	3,350	12,100
1.00	5,000	4.50	17,100	3,800	15,750	3,650	15,750
.25	1,000	4.75	18,100	3,811	16,625	875	16,625
.33	500	5.08	18,600	3,661	17,780	1,155	17,780
1.00	4,000	6.08	22,600	3,717	21,280	3,500	21,280
1.00	2,000	7.08	24,600	3,475	24,780	3,320	24,600
1.00	6,000	8.08	30,600	3,787	28,280	3,680	28,280

Authority Cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code.

Reference: Section 16122(b) Welfare and Institutions Code.

7) Adopt Section 35077 to read:

35077 RECORDS RETENTION AND TIME LIMITATIONS
FOR CLAIMING

35077

- (a) Accounting records of private agency costs and hours shall be maintained pursuant to the requirements of DSS regulations Section 11-402.312.

HANDBOOK

(a) (1) (RESERVED)

- (1) Section 11-402.312 states:

Accounting records shall be maintained in accordance with generally accepted accounting principles.

- (b) All accounting records of private agency costs and hours shall be retained pursuant to the requirements of DSS regulations Section 11-402.313.

HANDBOOK

(b) (1) (RESERVED)

- (1) Section 11-402.313 states:

All accounting records shall be retained for a minimum period of four years from the date of the final claim for that annual period or until all audit issues have been resolved.

- (A) Examples include: journals, ledgers and supporting documentation, invoices, receipts, checks, vouchers, etc.

- (c) Time Limitations for Claiming

- (1) Claims shall be submitted pursuant to the requirements of Government Code Section 16304.1 and 45 CFR, Part 95, Subpart A.

HANDBOOK

(c) (1) (A) through (c) (RESERVED)

- (A) Government Code Section 16304.1 states in pertinent part:

Section 16304.1

Reversion of undisturbed balances; payment of unpaid encumbrances

Upon the expiration of two years ...following the last day of the period of its availability, the undisbursed balance in any appropriation shall revert to and become a part of the fund from which the appropriation was made. Subsequent to reversion any unpaid encumbrance against the appropriation may be paid, with approval of the Board of Control, from any current appropriations available for the same purposes.

- (B) Federal funding limitations provided under 45 CFR, Part 95, Subpart A require that claims be submitted during an eighteen-month period after the end of the calendar quarter in which placement costs are incurred.
- (C) The Department may pay from its funds claims for special-needs children placed during the current fiscal year, and for those placements, for two subsequent fiscal years (eighteen months for federally-eligible claims). State claims exceeding these periods are subject to State Board of Control procedures which may result in a delay for payment; in the case of federal claims, federal funds will not be available for reimbursement for claims exceeding the 18-month period.

Authority Cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code.

Reference: Section 10853, Welfare and Institutions Code;
Section 16304.1, Government Code; and 45 CFR,
Part 95, Subpart A.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In this office of the Secretary of State
of the State of California

DEC 15 1989
At 5:15 o'clock P.M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1115-01

[Signature]
LINDA BREWER
DIRECTOR

12/15/89

89-1116-0517

(See Instructions on Reverse)

RESUBMITTAL FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RDB #1288-59

FILED
In this office of the Secretary of State
of the State of California

DEC 15 1989

At 5:15 o'clock P.M.

MARCH FONG EU, Secretary of State

By Beth Lowery
Deputy Secretary of State

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

LL S. Muhl
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 11-9-89

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau (916) 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
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SECTIONS AMENDED: (See attached)
SECTIONS REPEALED: _____
- b. The following sections listed in 3a contain modifications to the text originally made available to the public: None
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- ☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
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☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: June 26, 1989 89-0626-01 C
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
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- b. DATE OF FINAL AGENCY ACTION NOV 15 1989
- c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) Not applicable
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
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- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
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Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
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 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note:** Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a.** Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b.** Provide the date on which the regulatory agency adopted the regulatory changes.
- c.** If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9.** Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Face Sheet (Std. Form 400) (Continued)

3.a. Sections Adopted:

Manual of Policies and Procedures (MPP) Sections 11-404 and 40-003.

Sections Amended:

MPP Sections 11-400.1, 11-402.15 and .23, 30-142.2, 30-198.131, 30-332.2, 30-376.131, 30-476.123, 44-206.1, 45-101, 45-200, 45-201, 45-302.21, and 45-302.1, and Title 22 Sections 80028(b), 83078, 84065.5, 84078, 87028(b), and 87078.

Sections Repealed:

None.

Renumber Section 11-400.1 to read:

11-400 AFDC-FOSTER CARE RATES

11-400

.1 Definitions (Continued)

(l) Infant Supplement - the amount paid to an eligible facility in addition to the AFDC-FC payment for a minor parent for a child living with his/her minor parent(s).

(m) (Continued)

(n) (Continued)

(o) (Continued)

(øp) (Continued)

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554 and 11465, Welfare and
 Institutions Code.

.1 Rate Determination Process (Continued)

.15 Rate Computation

.151 In computing the monthly rate per child for each program, the total allowable costs for the cost reporting period for each program adjusted pursuant to .14 above, shall be divided by eighty-five percent of the licensed capacity for the cost reporting period except as specified in Section 11-402.151(b).

(a) Changes in licensed capacity during the year shall be prorated according to the length of time the program operated under each capacity.

(b) The following applies when computing the monthly rate per child for programs which include a minor parent(s) who has his/her child(ren) living with him/her in placement. This applies only to such programs where the licensed capacity includes the children receiving an infant supplement.

(1) The provider shall report the program's actual occupancy for the cost period in a format prescribed by the Department.

(2) The total allowable costs for the cost reporting period adjusted pursuant to Section 11-402.14, shall be divided by the average actual occupancy of the program for the cost reporting period. Average actual occupancy is the number of days children (excluding a child(ren) living with his/her minor parents(s)) are in the placement, divided by the number of days in the cost period.

BEGIN HANDBOOK

(3) Example of calculation to determine average actual occupancy of a program:

Excluding children living with their minor parents:

(A) Multiply the number of group home children who were in the program for the entire month by the number of days in the month. Add the number of days for other children admitted or discharged during the month. The first day of care is counted; the last day is not. Do this for each month in the cost reporting period.

(B) Then, add the monthly totals and divide this number by the number of days in the cost reporting period. The resulting number is the average actual occupancy for the cost reporting period.

END HANDBOOK

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.2 Allowable cost (Continued)

.23 Costs that are not allowable shall include but not be limited to the following:

(a) (Continued)

(b) (Continued)

(c) (Continued)

(d) (Continued)

(e) (Continued)

(f) (Continued)

(g) (Continued)

(h) (Continued)

(i) (Continued)

(j) Any cost for a child living with his/her
minor parent.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554, 11462, and 11465, Welfare and
Institutions Code.

- .1 The infant supplement paid shall be a uniform amount to cover the cost of care and supervision of a child in addition to the rate that would otherwise be paid for the minor parent's placement.
 - .11 The amount paid for a child living with a minor parent in a group home placement who receives AFDC-FC shall be \$708 per month per child.
 - .12 The amount paid for a child living with a minor parent in an eligible facility other than a group home who receives AFDC-FC shall be \$326 per month per child.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554 and 11465, Welfare and Institutions Code.

- .2 The assessment shall include the information specified in Sections 30-198.131(a) through (f).

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554 and 11405, Welfare and
 Institutions Code.

.1 (Continued)

.13 (Continued)

.131 (a) (Continued)

(3) Other significant persons, including children and siblings, who are known to reside in the home. (Continued)

(f) If the child is a parent, identification of any special needs of the child with regard to his/her role as a parent.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554 and 11404(b)(2), Welfare and Institutions Code.

- .2 The assessment shall include the information specified in Sections 30-376.13 through .131 (h).

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554 and 11405, Welfare and Institutions Code.

.1 (Continued)

.13 (Continued)

.131 (a) (Continued)

(3) Other significant family members,
including children, siblings, and
others living in the home.
(Continued)

(f) If the child is a parent, identification
of any special needs of the child with
regard to his/her role as a parent.

(g) (Continued)

(h) (Continued)

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554 and 11404(b)(2), Welfare and
Institutions Code.

.1 (Continued)

.12 (Continued)

.123 For children not referred from the Family Reunification Program the assessment shall include the information specified in Sections 30-376.131(a) through (f).

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554 and 11405, Welfare and Institutions Code.

- .1 This regulatory action consisting of the amendment of MPP Section 44-206.1 shall be effective February 28, 1989 in order to comply with Welfare and Institutions Code Section 11263.5 (Chapter 1066, Statutes of 1988).
- .2 With respect to this regulatory action, all required Notices of Action (NOA's) may be issued as early as filing with the Secretary of State, but no later than as required in MPP Section 22-022.1 (Timely Notice).

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554 and 11263.5, Welfare and Institutions Code.

- .1 The following persons shall be excluded from the assistance unit (even if it would be appropriate to include them under Sections 44-205.4 or .5): (Continued)

- (c) A child living with a minor parent who is a recipient of AFDC-FC.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554 and 11263.5, Welfare and Institutions Code and 42 USCA, Section 602(a)(4).

(jj) Infant Supplement is the amount paid to an eligible facility in addition to the AFDC-FC payment for the minor parent for a child living with his/her minor parent.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554 and 11465, Welfare and Institutions Code.

- .2 An infant supplement shall be paid for the care and supervision of a child living with his/her minor parent in the same eligible facility when the minor parent meets either of the requirements in Sections 45-200.11 or .12.
- .3 The payment sections MPP Section 44-206 shall be effective February 28, 1989 and MPP Section 45-302.21 shall be effective March 1, 1989.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554 and 11465, Welfare and Institutions Code.

.4 (Continued)

.41 (Continued)

.412 Develop a written assessment and service plan within 30 days from the date the agency became involved with the child or the date of the child's most recent placement, whichever is later. Where the child is a minor parent and his/her child is living in the same eligible facility, the assessment shall include the minor parent's child. (Continued)

.6 A child living with his/her AFDC-FC eligible minor parent in the same eligible facility does not need a separate eligibility determination. The eligibility for the infant supplement is based on the minor parent's AFDC-FC eligibility determination.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554, 11404(b)(2), and 11465, Welfare and Institutions Code.

.2 (Continued)

.21 Except as specified below, payment shall only be made when the child resides in an eligible facility which is not the same home in which the parent(s) or relative(s) from whom the child was removed makes his/her home.

.211 An infant supplement shall be paid in addition to a minor parent's AFDC-FC payment for a child who is living in the same eligible facility with a minor parent who is receiving AFDC-FC.

.212 The infant supplement amount shall be determined pursuant to Section 11-404.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10554 and 11465, Welfare and Institutions Code.

.1 (Continued)

- .13 A child for whom a facility received a federally funded infant supplement is eligible for federal AAP as long as the conditions of Welfare and Institutions Code Section 16120 are met.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code and 42 USCA, Section 673(a)(2)(A)(iii).

(b) (Continued)

- (4) Facilities which accept minor parents and his/her child(ren) shall have such children included in the facility's licensed capacity.
- (5) (Continued)
- (6) (Continued)
- (7) (Continued)

Authority Cited: Sections ~~15261, 15241, 1446~~ 1530, Health and Safety Code and Section 10554, Welfare and Institutions Code.

Reference: Section 11465, Welfare and Institutions Code and Sections 1501, 1523, 1524, 1528 and 1531, Health and Safety Code.

(b) The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent in placement.

(1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code
and Sections 1501 and 1531, Health and Safety
Code,

(b) When the facility is providing direct care and supervision to the child(ren) of a minor parent(s) in placement, there shall be present on-duty, one child care staff person for every four children of minor parents, or fraction thereof.

(c) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code and Sections 1501 and 1531, Health and Safety Code.

- (c) The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent(s) in placement.
- (1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.
- (d) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code and Sections 1501 and 1531, Health and Safety Code.

(b) (Continued)

(3) Facilities which accept a minor parent and his/her child(ren) shall have such child(ren) included in the facility's licensed capacity.

(4) (Continued)

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code and Sections 1501 and 1531, Health and Safety Code.

(b) The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent in placement.

(1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code and Sections 1521, 1530 and 1531, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In this office of the Secretary of State
of the State of California

DEC 15 1989
At 5:15 o'clock P. M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1116-05

[Signature]

LINDA BREWER
DIRECTOR

12/15/89

FACE SHEET

(See Instructions on Reverse)

RDB #1187-49

FILED
In the office of the Secretary of State
of the State of California

DEC 20 1989

At 4:26 o'clock P. M.
MARCH FONG EU, Secretary of State

By *Paula Curf*
Deputy Secretary of State
For use by Secretary of State only

RESUBMITTAL

1989 NOV 28 PM 3 58

OFFICE OF
ADMINISTRATIVE LAW

**ENDORSED
APPROVED FOR FILING**

DEC 20 1989

Office of Administrative Law

For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITHIN THE OFFICE OF ADMINISTRATIVE LAW

Submitting agency hereby certifies that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

11-22-89

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
TITLE
Rosalie Clark, Chief, Regulations Development Bureau
TELEPHONE
445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED:
SECTIONS AMENDED:
Section 25-250
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 25-250
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: June 29, 1989, OAL File No. 89-0629-12
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
July 1, 1989
b. DATE OF FINAL AGENCY ACTION
November 22, 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
September 27, 1989 - October 13, 1989
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Amend Sections 25-250.43, .44, and .45 to read:

25-250 AUDIT AND AUDIT APPEAL PROCESS

25-250

.4 SDSS Appeal Procedures (Continued)

.43 Within 60 days of receipt of the final documentation or information SDSS shall issue a decision letter clearing, modifying or sustaining the adjustment letter or audit exception. If the auditee does not concur with the decision, it may appeal in accordance with Section 25-250.434.

.44 If the auditee does not concur with the decision letter, a written appeal may be filed with the Chief Deputy Director. SDSS will acknowledge promptly such an appeal.

.441 The appeal shall be filed within 30 days of receipt of the decision letter.

.442 The appeal must be written and include the specific adjustments or exceptions objected to.

.443 Within 30 days of receipt of an appeal SDSS will provide the auditee with a list of documents which make up the record upon which the appeal will be decided.

.444 The auditee may add or delete documents and provide any additional arguments or material for inclusion in the record within 30 days of receipt of the list of documents.

.445 The auditee may request an oral hearing before the Chief Deputy Director to discuss the matter. If no such request is made a proposed decision will be rendered based on the written record by the Chief Deputy Director; an administrative law judge designated by the Director; or a Deputy Director of SDSS designated by the Director who did not sign the decision letter issued pursuant to Section 25-250.43 for the audit the matter will be decided based on the record and the auditee notified of the final decision within 30 days of receipt of the final documentation, arguments, and materials.

•446 Where an oral hearing has been requested, SDSS will notify the auditee of the time and place of hearing as soon as possible. Representatives of the auditee and ~~state~~SDSS will attend the hearing and present information. The hearing will be conducted by the Chief Deputy Director; an administrative law judge designated by the Director; or a Deputy Director of SDSS designated by the Director who did not sign the protest decision letter issued pursuant to Section 25-250.43 for the audit. A proposed decision will be rendered based on the written record and information presented at the hearing.

•45 The Chief Deputy Director shall adopt the proposed decision rendered by the Chief Deputy Director or the Director's designee as specified in Sections 25-250.445 and .446 or adopt an alternate will render a written decision based on the written record and information presented at the hearing, if any. The auditee will be notified of the final decision within 30 days of the Director's adoption of the final decision.

Authority Cited: Sections 10553, 10554, and 10600, Welfare and Institutions Code.

Reference: Sections 7 and 10600, Welfare and Institutions Code; and Section 18752, Government Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

DEC 20 1989

At 4:26 o'clock P. M.
MARCH FONG EU, Secretary of State
By Louella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1128-04


LINDA BREWER
DIRECTOR

12/20/89

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attach-
ed are true and correct copies of regulations
adopted, amended, or repealed by this agency,
and that the information specified on this Face
Sheet is true and correct.

EMERGENCY

Department of Social Services

(AGENCY)

L. S. McNeil
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 12/19/89 Director

FILED
In the office of the Secretary of State
of the State of California

DEC 28 1989

At 4:44 o'clock P. M.
MARCH FONG EU, Secretary of State
By *Shella Cruz*
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau 445-0313

2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:
Title 22
SECTIONS ADOPTED: 35127.1 and 35127.2
SECTIONS AMENDED: 35000, 35079, 35095, and 35127
SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER N/A
b. DATE OF FINAL AGENCY ACTION DEC 19 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) N/A

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State. (January 1, 1990)
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon
Director

8-26-88
Date

Amend Section 35000(i) to read:

35000 DEFINITIONS (Continued)

35000

(i) (Continued)

(2) "Independent Adoption Preplacement Program" means the voluntary alternative procedure within the Independent Adoption Program authorized by Civil Code Section 226.51 available to prospective adoptive parents and birth parents choosing independent adoption. This alternative procedure provides for preplacement assessment of adoptive parents and preplacement advising of birth parents.

(23) (Continued)

(34) (Continued)

(45) (Continued)

(56) (Continued)

(67) (Continued)

(78) (Continued)

(89) (Continued)

(910) (Continued)

(101) (Continued)

(112) (Continued)

Authority Cited: Sections 10553, 10554, 16118, 16118(a), and 16141, Welfare and Institutions Code; and Section 1530, Health and Safety Code; and Section 226.51(i), Civil Code.

Reference: Sections 10553, 10554, 10800, 16000, 16115, 16116, 16118, 16119, 16120, and 16121, Welfare and Institutions Code; Sections 25, 62, 211, 224, 224m, 224n, 224q, 226.1, 226.2, 226.4, 226.51, 226.6, 226a, 226c, 227, 227b, 232, 239, 7001, 7002, 7003, 7004, and 7017, Civil Code; Sections 251.2 and 1502, Health and Safety Code; 8 USC 1101(b)(1)(F); 25 USC 673 and 675; Section 11105(a)(2), Penal Code; and 28 CFR Section 16.31.

Amend Section 35079(a) to read:

35079 INVESTIGATION OF PETITION

35079

- (a) In an independent adoption, the agency shall investigate the adoption after the petition has been filed and file a court report recommending whether to grant the petition to adopt in accordance with Civil Code Sections 224q, 226.2, 226.5, 226.51, and 226.6.

The relevant portions of Civil Code Sections 224q, 226.2, 226.5, 226.51, 226.6 read as follows:

(1) (Continued)

(2) (Continued)

(3) "Civil Code Section 226.5: The State Department of Social Services or a licensed county adoption agency shall interview the petitioners and all persons from whom consent is required and whose addresses are known as soon as possible and in the case of residents of California within 45 working days, excluding legal holidays, after the filing of the adoption petition. In order to facilitate these interviews, at the same time the petition is filed, the petitioner shall file with the district office of the State Department of Social Services or with the licensed county adoption agency responsible for the investigation of the adoption, a copy of the petition together with the names, addresses, and phone numbers of all parties to be interviewed, if known."

(4) "Civil Code Section 226.51(a): Notwithstanding the time limits of Section 226.5, if the person to be interviewed has been advised as provided in subdivision (b) and if there is no serious question about the suitability of the prospective adoptive family as provided in subdivision (c), the State Department of Social Services or a licensed county adoption agency shall interview at the department or agency office any person willing to be interviewed from whom consent is required within 10 working days of receiving a copy of the filed adoption petition and documentation that all of the following conditions have been met:

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(A) The person from whom consent is required has been advised pursuant to subdivision (b).

(B) There is no serious question about the suitability of the prospective adoptive family as provided in subdivision (c).

(C) The department or the agency has received the name, address, and phone number of the person to be interviewed and the complete report of the assessment of the prospective adoptive family.

The State Department of Social Services or the licensed county adoption agency may take the consent of the person to the adoption at this interview or subsequently."

(5) "Civil Code Section 226.51(e): No licensed private full-service or noncustodial adoption agency, as defined in subdivisions (a) and (b) of Section 221.5, respectively, is required to provide the advice and assessment services specified in subdivisions (b) and (c). However, if an agency elects to provide these services, it shall provide both services. There is no requirement that prospective adoptive parents and birth parents use the same adoption agency for these services. If the agency has a policy that allows it to provide services only to members of specific groups, this policy shall be disclosed to families prior to the beginning of the assessment process."

(46) (Continued)

(37) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 226.51(i), Civil Code.

Reference: Sections 224q, 226.2, 226.5, 226.51, and 226.6, Civil Code.

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Amend Section 35095(a)(5) to read:

35095 GENERAL PREREQUISITES TO CONSENT

35095

(a) Prior to accepting a consent to adoption, the agency representative shall: (Continued)

(5) Interview the petitioners/ unless the agency has received confirmation that:

(A) The consenting parent has been advised as provided in Section 35127.1; and

(B) The assessment described in Section 35127.2 has been performed and it has been determined that there is no serious question about the suitability of the petitioners.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 226.51(i), Civil Code.

Reference: Sections 226.1, 226.2, 226.5, 226.51 and 226.6, Civil Code.

Renumber Section 35127 to Section 35126:

35127 <u>6</u>	DENIAL OR DISMISSAL OF ADOPTION PETITION (Continued)	35127 <u>6</u>
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Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Sections 226a, 226b, and 226c, Civil Code;
Section 1500, Health and Safety Code; and
Section 11166, Penal Code.

Adopt new Article 6 and new Section 35127.1 to read:

Article 6 - Independent Adoption Preplacement Program Act

35127.1 ADVICE TO BIRTH PARENTS - INDEPENDENT
ADOPTION PREPLACEMENT PROGRAM

35127.1

- (a) The agency shall meet with the birth parent wishing to participate in the Independent Adoption Preplacement Program prior to the placement of the child for adoption and give advice, collect information, and offer counseling as required by Civil Code Section 226.51(b).

- (1) Civil Code Section 226.51(b), in pertinent part, states:

"...The advice shall include a balanced presentation of the alternatives to adoption, the right to obtain additional counseling, the right to retain separate legal counsel, the meaning of the consent to adoption, the right to future information about the status of the adoption, the need of the child and the adopting parents for complete information on the background of the child, the content of the assessment of the prospective adoptive family, and other information determined necessary by the department. The person giving the advice shall also collect information on the background of the child from the person being advised.

Each person advised pursuant to this subdivision shall be offered at least three separate counseling sessions, to be held on different days, except that this requirement does not apply to birth fathers from whom consent is not required. Each counseling session shall be no less than 50 minutes duration. The counseling may be provided by a representative of the department or a licensed adoption agency or by persons licensed to provide psychotherapy or counseling selected by the person. The counseling costs shall be paid by the prospective adoptive parents at the request of the birth parent. If counseling is requested prior to the placement of the child for adoption, it shall be initiated prior to the placement..."

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- (b) A birth mother of a newborn shall not be advised while she is hospitalized.
- (c) As part of the balanced presentation the agency shall provide the birth parent with a full explanation of each of the statements on the appropriate Independent Adoption Statement of Understanding form and shall determine that the birth parent understands the meaning of each statement.
- (1) The Independent Adoptions Statements of Understanding are:
- | | |
|----------------|--|
| <u>AD 887</u> | <u>For Parent Who Gave Physical Custody of the Child to Adoptive Parents (2/86)</u> |
| <u>AD 887A</u> | <u>For Legal Parent Who Did Not Give Physical Custody of the Child to the Adoptive Parents (10/82)</u> |
| <u>AD 887B</u> | <u>For Alleged Natural Father (6/87)</u> |
| <u>AD 900</u> | <u>For the Parent Who Gave Physical Custody of the Indian Child to the Adoptive Parents (12/86)</u> |
| <u>AD 900A</u> | <u>For Legal Parent Who Did Not Give Physical Custody of the Child to the Adoptive Parents (10/82)</u> |
| <u>AD 900B</u> | <u>For Alleged Natural Father of Indian Child (10/82)</u> |
- (d) Advice regarding alternatives to adoption shall include complete information regarding public and private services which could help the parent keep the child and temporary foster care services to give the parent time to make a decision regarding keeping or placing the child.
- (e) The agency shall collect background information about the birth parent and child, if born, as required by Section 35023.
- (f) The agency shall inquire of the birth mother about the identity of the birth father as required by Civil Code Section 7017(c).
- (g) The agency shall document the provision of the advice and, if desired by the birth parent, counseling on the "Confirmation of Advice" (AD 913 11/89) form. At the request of the person advised, the agency shall provide this completed form, a copy of the summary of the family assessment given to the person advised, the background information about the parent and documentation of the inquiry about the identity of the birth father to the Department or county welfare department investigating a proposed adoption.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 226.51(i), Civil Code.

Reference: Section 226.51, Civil Code.

Adopt new Section 35127.2 to read:

35127.2 ASSESSMENT OF POTENTIAL ADOPTIVE PARENTS - 35127.2
INDEPENDENT ADOPTION PREPLACEMENT PROGRAM

- (a) The agency shall assess potential adoptive parents wishing to participate in the Independent Adoption Preplacement Program as required by Civil Code Section 226.51(c).

- (1) Civil Code Section 226.51(c), in pertinent part, states:

"...The assessment shall be completed or updated within 12 months before the placement of the child for adoption. The assessment shall include consideration of those factors required by the department in a study to determine whether the prospective adoptive family and its home is suitable for a child [in an independent adoption], except those factors regarding the adjustment of the child in the home. In addition to describing fully information collected in the assessment and the conclusions of the assessment, the report of the assessment shall specify the characteristics of a child which the family would adopt including, but not limited to, age, sex, ethnicity, race, and special needs. The prospective adoptive parents and any person being advised pursuant to subdivision (b) shall be provided with a written summary of the report of the assessment..."

- (b) Assessment interviews shall be conducted as described in Sections 35083(a)(1) through (4) except that the time limit in 35083(a)(1) does not apply.
- (c) The agency shall discuss the information described in Section 35085 with the prospective adoptive parents.
- (d) The agency shall obtain the documentation to facilitate assessment described in Section 35087.
- (1) A licensed private adoption agency shall obtain an FBI criminal record clearance as described in Section 35195(a)(8)(C) for prospective adoptive parents if required by Section 35087(a)(8).

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- (e) The agency shall obtain identifying information and evaluate the prospective adoptive parents as described in Section 35089.
- (f) The agency shall make a complete written report of the assessment of the prospective adoptive family. At the family's request the agency shall provide a copy of the complete report, including copies of all reports received by the agency regarding the family, to the Department or county welfare department investigating a proposed adoption by the prospective adoptive parents.
- (g) The agency shall meet the requirement of Civil Code Section 226.51(c) regarding assessments in which there is a serious question about the suitability of the family.

(g) (1) and (2) (RESERVED)

(1) Civil Code Section 226.51(c), in pertinent part, states:

"If the assessment results in a determination that there is a serious question as to the suitability of the prospective adoptive family, or if the assessment is discontinued prior to completion because of such a question, the department or the adoption agency shall provide a report of the complete or incomplete assessment to the department."

(2) The address of the SDSS Adoptions Branch is:

SDSS-Adoptions Branch
Services Bureau
744 P Street, MS 19-31
Sacramento, California 95814

(3) The Department shall provide a copy of the report regarding the complete or incomplete assessment in which there is a serious question about the suitability of the family to the District Office or county welfare department investigating a subsequent petition filed by the prospective adoptive family.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 226.51(i), Civil Code.

Reference: Section 226.51, Civil Code.

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OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

DEC 23 1989

At 4:44 o'clock P.M.

MARCH FONG EU, Secretary of State

By Mella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1220-05


LINDA BREWER
DIRECTOR

12/28/89